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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/525,229

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Oliver Feilen

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10/17/2008

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EXAMINER

TRAORE, FATOUMATA

ART UNIT

PAPER NUMBER

2436

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/525,229	<b>Applicant(s)</b> FEILEN ET AL.	
	<b>Examiner</b> FATOUMATA TRAORE	<b>Art Unit</b> 2436	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This is in response to the amendment filed July 2, 2008. Claims 3 and 9-11 have been cancelled claims 1, 4, 5 have been amended. Claims 1- 2, 4-8 are pending and have been considered below.

#### ***Claim Objections***

2. Claim 1 is objected to because of the following informalities: the claim recites the limitation of “microcontroller *ha* at least”. Appropriate correction is required.

#### ***Response to Arguments***

3. Applicant's arguments filed 07/02/2008 have been fully considered but they are not persuasive.

Applicant argues, “The remaining claims as amended provide for the prevention of the replacement of memory modules effective in controlling the operation of a motor vehicle control device if such replacement modules are not compatible with the control device. Such compatibility is determined by a comparison of the identifier stored in the read only memory of the microprocessor and the identifier provided in the replacement module.

Terada et al neither discloses nor teaches any such structure.”

The examiner not that the newly added limitation of claim 1 is disclosed by Lavenson et al (US 2004/0003231).

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2 and 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terada et al (US 6,505,280 in view of Lavenson et al (US 2004/0003231).

**Claim 1:** Terada et al discloses a motor vehicle control device installed in a motor vehicle; comprising at least one original microcomputer (*Fig.1, item 30*) and at least one original memory module(*Fig.1, item 30*), wherein the at least one original memory module has at least one specific identifier and the at least one original microcomputer ha at least one area in the which said at least one specific identifier of the .at least one original memory module is stored *self held ID stored in the mask ROM*)(*column 11, lines 19-27*)., but does not explicitly discloses means for authenticating the compatibility of a replacement module by a comparison of said stored identifier with an identifier of said replacement module. Lavenson et al discloses a vehicle component authentication, which further discloses means for authenticating the compatibility of a replacement module by a comparison of said stored identifier with an identifier of said replacement module(*matches identified attributes such as serial number*) (*paragraphs [0056], [0066], [0068], [0074], [0077]*). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teaching of Terada et al such as to include a means of authenticating the replacement module. One would have been motivated to do so in order to ensure safe and effective operation of that vehicle as taught by Lavenson et al

(paragraph [0018]).

**Claim 2:** Terada et al and Lavenson et al disclose a motor vehicle control device installed in a motor vehicle as in claim 1 above, and Terada et al further discloses wherein the microcomputer are in which the at least one specific identifier of at least one of the at least one memory module is stored is writable only once (*herein refers as ROM*) of the microcomputer ( $\mu$ C), which area is writable only once (*column 11, lines 20-45*).

**Claim 4:** Terada et al and Lavenson et al disclose a motor vehicle control device installed in a motor vehicle as in claim 1 above, and Lavenson et al further discloses wherein the authentication unit means is formed by a program which is stored on the microcomputer and the program is used for comparison of the at least one specific identifier of the at least one original memory module to the at least one specific identifier of the at least one memory module (*paragraphs [0056]-[0059], [0079]*). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teaching of Terada et al such as to include a means of authenticating the replacement module. One would have been motivated to do so in order to ensure safe and effective operation of that vehicle as taught by Lavenson et al (paragraph [0018])).

**Claim 5:** Terada et al and Lavenson et al disclose a motor vehicle control device installed in a motor vehicle as in claim 1 above, and Lavenson et al further discloses wherein the authentication unit means is formed by a program which is

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stored on the microcomputer and which is used for encryption of data, the program for encryption of data or programs accessing at least one of the at least one specific identifier of the at least one original memory module which are stored in the microcomputer (*paragraph [0052]*). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teaching of Terada et al such as to include an encryption program. One would have been motivated to do so in order to ensure safe and effective operation of that vehicle as taught by Lavenson et al (*paragraph [0018]*).

**Claim 6:** Terada et al and Lavenson et al disclose a motor vehicle control device installed in a motor vehicle as in claim 1, and Terada et al further discloses wherein at least one Of the at least one memory module is integrated in the microcomputer(*Fig. 1*).

**Claim 7:** Terada et al and Lavenson et al disclose a motor vehicle control device installed in a motor vehicle as in claim 1 above, and Lavenson et al further discloses wherein the motor vehicle control device is an engine control device (*paragraph [0051]*). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teaching of Terada et al such as to include a engine control device. One would have been motivated to do so in order to ensure safe and effective operation of that vehicle as taught by Lavenson et al (*paragraph [0018]*)).

**Claim 8:** Terada et al and Lavenson et al disclose a motor vehicle control device installed in a motor vehicle as in claim 1 above, and Lavenson et al further

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discloses wherein the motor vehicle control device is a transmission control Device (*paragraph [0051]*). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teaching of Terada et al such as to include a transmission control device. One would have been motivated to do so in order to ensure safe and effective operation of that vehicle as taught by Lavenson et al (*paragraph [0018]*).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fatoumata Traore whose telephone number is (571) 270-1685. The examiner can normally be reached Monday through Thursday from 7:00 a.m. to 4:00 p.m. and every other Friday from 7:30 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nassar G. Moazzami, can be reached on (571) 272 4195. The fax phone number for Formal or Official faxes to Technology Center 2100 is (571) 273-8300. Draft or Informal faxes, which will not be entered in the application, may be submitted directly to the examiner at (571) 270-2685.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-2100.

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

FT,

Monday October 13, 2008

/Nasser G Moazzami/

Supervisory Patent Examiner, Art Unit 2436